

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 215 - SB 239

February 19, 2013

SUMMARY OF BILL: Prohibits any permanent modification of a parent's court-ordered visitation rights while the parent is on active duty service in the armed forces and is out of the country for such service. Requires that a parent's court-ordered visitation with the parent's minor child or children resume upon the parent's return to the state from active duty service in the armed forces out of the United States. Prohibits an application by a member of the armed forces for an active duty assignment outside of the United States from being considered a factor against the parent when determining the visitation best interests of the child.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Increase Local Expenditures – Not Significant

Other Fiscal Impact - According to the Department of Children's Services, prohibiting any permanent modification of a parent's court-ordered visitation rights when a parent is out of the country serving in the armed forces will delay permanency for a child in custody under certain circumstances because the prohibition would prevent voluntary and involuntary terminations of parental rights. The frequency with which this situation would arise is unknown. Each additional day of custody has an average cost of \$90. The total cost is funded through Title IV-E federal funds, TennCare state and federal funds, and state funds.

Assumptions:

- Tenn. Code Ann. § 36-6-113 prohibits permanent modification of a decree for child custody or visitation solely on the basis that one of the parents is a mobilized parent. The section states that its provisions do not limit the power of a court of competent jurisdiction to permanently modify a decree of child custody or visitation in the event that a parent volunteers for successive or frequent duties.
- According to the Administrative Office of the Courts, any decrease in court filings relative to modification or recommencement of visitation rights will have a not significant fiscal impact.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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